

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

- - -

JAMES R. GLIDEWELL DENTAL )  
CERAMICS, INC. Dba GLIDEWELL )  
LABORATORIES, a California )  
corporation, )  
Plaintiff, )  
vs. ) No.: SACV11-01309-DOC (ANx)  
KEATING DENTAL ARTS, INC., a )  
California corporation, )  
Defendants. )  
AND RELATED CROSS-ACTION. )

CONFIDENTIAL - ATTORNEYS' EYES ONLY

DEPOSITION OF  
DIANE MALLOS DONICH  
IRVINE, CALIFORNIA  
OCTOBER 17, 2012

ATKINSON-BAKER, INC.  
COURT REPORTERS  
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REPORTED BY: ROBERTA WIMBERLY, CSR NO. 4882

FILE NO: A609703

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California corporation,	)	
	)	
	)	
Defendants.	)	
_____	)	
	)	
AND RELATED CROSS-ACTION.	)	
_____	)	

Deposition of DIANE MALLOS DONICH, taken on  
behalf of Defendants, at 19200 Von Karman, Fourth Floor,  
Irvine, California, 92612, commencing at 9:28 a.m.,  
Wednesday, October 17, 2012, before ROBERTA WIMBERLY,  
CSR No. 4882.

A P P E A R A N C E S

For Keating Dental Arts, Inc.:

KNOBBE MARTENS  
BY: LYNDA J. ZADRA-SYMES, ESQ.  
2040 Main Street, 14th Floor  
Irvine, California 92614  
(949) 760-0404  
ljs@kmob.com.

For Glidewell Dental Ceramics, Inc., dba Glidewell  
Laboratories:

LAW OFFICES OF LEONARD TACHNER  
BY: LEONARD TACHNER, ESQ.  
17961 Sky Park Circle, Suite 38-E  
Irvine, California 92614  
(949) 752-8525  
ltachner@aol.com

1 Q I'll hand you Exhibit 521 and ask you to share it  
2 with counsel and tell me generally what it is.

3 A It's sales by month for the KDZ Bruxer product.

4 Q It is a multi-page document?

5 A Yes.

6 Q Each page is one month of the period from May '11  
7 to September '12?

8 A It's until October 15th.

9 Q I'm sorry.

10 A I ran it current.

11 Q Why did you begin in May '11?

12 MS. ZADRA-SYMES: Objection; vague.

13 BY MR. TACHNER:

14 Q I notice the first sheet is for the month of May  
15 2011. Were there any sales before that month of this  
16 particular product?

17 A Yes.

18 Q Why didn't you produce sheets for those months?

19 A No specific reason other than May was the  
20 official launch of the product.

21 Q What does that mean, "official launch"?

22 A It was announced and available to any dentist to  
23 purchase.

24 Q Before May '11 was it available to only certain  
25 dentists?

1 A Our existing accounts. It was in a beta form.

2 Q A beta form. What is that?

3 A Well, they were still testing the product.

4 Q Do you know how many were sold in beta form?

5 A No.

6 Q Do you know when it was first sold in beta form?

7 A Not specifically.

8 Q Do you know how many months, roughly, it was sold  
9 before May '11 in beta form?

10 A Three to four.

11 Q Do you know the quantity?

12 A Not off the top of my head.

13 Q Was it more than a hundred?

14 A No.

15 Q So let's turn again to Exhibit 521. Please look  
16 at the first sheet and tell me what this sheet indicates.

17 A This sheet indicates the units billed in the  
18 month.

19 Q The month of May '11?

20 A Yes.

21 Q Did you say built or billed?

22 A Billed, invoiced.

23 Q Yes.

24 A The number of units we made, total units, the  
25 remake percentage, the remake dollar amount and the amount

REPORTER'S CERTIFICATE

I, the undersigned, a Certified Shorthand  
Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before  
me at the time and place herein set forth; that any  
witnesses in the foregoing proceedings, prior to  
testifying, were placed under oath; that a verbatim record  
of the proceedings was made by me using machine shorthand  
which was thereafter transcribed under my direction;  
further, that the foregoing is an accurate transcription  
thereof.

I further certify that I am neither financially  
interested in the action nor a relative or employee of any  
attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed  
my name.

Dated: 10/30/12

  
ROBERTA WIMBERLY  
CSR No. 4882

1 STATE OF CALIFORNIA )  
2 COUNTY OF Orange ) SS.

3  
4  
5  
6  
7 I, the undersigned, declare under penalty of  
8 perjury that I have read the foregoing transcript, and I  
9 have made any corrections, additions or deletions that I  
10 was desirous of making; that the foregoing is a true and  
11 correct transcript of my testimony contained therein.

12  
13 EXECUTED this 7 day of November  
14 2012, Irvine at CA.  
(City) (State)

15  
16  
17   
18 DIANE MALLOS DONICH

